

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No.: 2:20-CR-10  
(Judge Kleeh)

KERRI MARIE HAMRICK-SATTERFIELD,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY IN FELONY CASE [DKT. NO. 29],  
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING

On September 29, 2020, the Defendant, Kerri Marie Hamrick-Satterfield ("Hamrick-Satterfield"), appeared before United States Magistrate Judge Michael J. Aloï and moved for permission to enter a plea of **GUILTY** to Count Two of the Indictment, charging her with Possession with Intent to Distribute Methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B). Hamrick-Satterfield stated that she understood that the magistrate judge is not a United States District Judge, and Hamrick-Satterfield consented to pleading before the magistrate judge. This Court referred Hamrick-Satterfield's plea of guilty to the magistrate judge for the purpose of administering the allocution, pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and

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voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Hamrick-Satterfield's statements during the plea hearing and the Government's proffer establishing that an independent factual basis for the plea existed, the magistrate judge found that Hamrick-Satterfield was competent to enter a plea, that the plea was freely and voluntarily given, that she was aware of the nature of the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea. The magistrate judge issued a *Report and Recommendation Concerning Plea of Guilty in Felony Case* ("R&R") [Dkt. No. 29] finding a factual basis for the plea and recommending that this Court accept Hamrick-Satterfield's plea of guilty to Count Two of the Indictment.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. He further advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. Neither Hamrick-Satterfield nor the Government filed objections to the R&R.

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Accordingly, this Court **ADOPTS** the magistrate judge's R&R [Dkt. No. 29], provisionally **ACCEPTS** Hamrick-Satterfield's guilty plea, and **ADJUDGES** her **GUILTY** of the crime charged in Count Two of the Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it has received and reviewed the presentence investigation report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** the following:

1. The Probation Officer shall undertake a presentence investigation of Hamrick-Satterfield, and prepare a presentence investigation report for the Court;

2. The Government and Hamrick-Satterfield shall each provide their narrative descriptions of the offense to the Probation Officer by **October 28, 2020**;

3. The presentence investigation report shall be disclosed to Hamrick-Satterfield, her counsel, and the Government on or before **December 29, 2020**; however, the Probation Officer shall not disclose any sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

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4. Counsel may file written objections to the presentence investigation report on or before **January 12, 2021**;

5. The Office of Probation shall submit the presentence investigation report with addendum to the Court on or before **January 26, 2021**; and

6. Counsel may file any written sentencing memorandum or statements and motions for departure from the Sentencing Guidelines, including the factual basis for the same, on or before **January 26, 2021**.

The magistrate judge released Hamrick-Satterfield on the terms of the Order Setting Conditions of Release [Dkt. No. 14] filed on June 18, 2020.

The Court will conduct the **Sentencing hearing** for Hamrick-Satterfield on **Friday, February 26, 2021**, at **12:30 P.M.**, at the **Elkins, West Virginia** point of holding court. If counsel anticipates having multiple witnesses or an otherwise lengthy sentencing hearing, please notify the Judge's chamber staff so that an adequate amount of time can be scheduled.

It is so **ORDERED**.

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The Clerk is directed to transmit copies of this Order to  
counsel of record and all appropriate agencies.

DATED: October 15, 2020

/s/ Thomas S. Kleeh

THOMAS S. KLEEH

UNITED STATES DISTRICT JUDGE